

REMARKS

This is in response to the Final Office Action mailed March 10, 2010. Claims 1, 7-10, 14, 15 and 17 are pending in the application. Claims 1, 14 and 15 have been amended. Claims 2-6, 11-13, 16 and 18-26 have been canceled. Applicant respectfully requests reconsideration of the application based on the following remarks.

CLAIM OBJECTIONS

Claim 2 has been rejected under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 2 was canceled in the Response to Office Action mailed October 13, 2009, so this objection is moot.

Claim 1 has been rejected because the claim contains a peptide sequence which is not identified by SEQ ID No. Claim 1 has been amended to recite a purified peptide comprising the amino acid sequence: His-Gly-Val-Ser-Gly-Trp-Gly-Gln-His-Gly-Thr-His-Gly (SEQ ID NO 1), or pharmaceutically acceptable salts, or ethers, or amides thereof. In view of the identification of the peptide sequence in claim 1, Applicants respectfully submit that the objection has been overcome.

ALLOWABLE CLAIMS

Claims 14, 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 14 and 15 have been amended to be in independent form, and claim 17 depends from claim 14. Accordingly, claims 14, 15 and 17 are believed to be in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 101

Claims 1, 5 and 7-10 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. It is the Examiner's position that claims 1, 5 and 7-10, as written, do not sufficiently distinguish over peptides as they exist naturally because the claims do not particularly point out any non-naturally occurring differences between the claimed peptides and the structure of naturally occurring peptides.

Applicants have amended claim 1 as suggested by the Examiner to recite a purified peptide comprising the amino acid sequence: His-Gly-Val-Ser-Gly-Trp-Gly-Gln-His-Gly-Thr-His-Gly (SEQ ID NO 1), or pharmaceutically acceptable salts, or ethers, or amides thereof. Applicants respectfully submit that claims 1 and 7-10 meet the requirements of 35 U.S.C. §101, and acknowledge with appreciation the Examiner's indication in the Advisory Action that the rejection has been overcome.

Conclusion

Accordingly, claims 1, 7-10, 14, 15 and 17 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988 (Docket No: **SPSUP0100WOUS**).

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By /Heidi A. Boehlefeld/
Heidi A. Boehlefeld, Reg. No. 34,296

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113